

**16966. Misbranding of dairy feed. U. S. v. 31 Bags of Dairy Feed. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24102. I. S. No. 012413. S. No. 2358.)**

On October 2, 1929, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 31 bags of dairy feed, remaining in the original unbroken packages at Cumberland, Md., alleging that the article had been shipped by the Akron Feed & Milling Co., from Akron, Ohio, on or about July 22, 1929, and transported from the State of Ohio into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Akron Dairy Feed Analysis Protein 24.0% \* \* \* Made by The Akron Feed & Milling Co., Akron, Ohio."

It was alleged in the libel that the article was misbranded in that the statement borne on the label, "Analysis Protein 24.0%," was false and misleading and deceived and misled the purchaser.

On December 18, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16967. Adulteration of canned blueberries. U. S. v. 86 Cases of Canned Blueberries. Consent decree of condemnation and forfeiture. Product released under bond to be salvaged. (F. & D. No. 24276. I. S. No. 024050. S. No. 2515.)**

On November 22, 1929, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 86 cases of canned blueberries at Newark, N. J., alleging that the article had been shipped by the Stinson & Crabtree Co., Hancock, Me., on or about September 25, 1929, and transported from the State of Maine into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Calevan Brand Fancy Maine Blueberries Packed by Stinson & Crabtree Co., Hancock, Maine."

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 17, 1929, the Stinson & Crabtree Co., Hancock, Me., claimant, having admitted the allegations of the libel and having consented to the entry of a decree condemning and forfeiting the product, judgment was entered ordering that it be delivered to the claimant at Hancock, Me., to be reconditioned, upon payment of costs and the execution of a bond in the sum of \$500. It was further ordered by the court that the portion of the product that could not be satisfactorily reconditioned, or the entire lot, in the event of failure to satisfactorily recondition it, be condemned and destroyed.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16968. Adulteration and misbranding of vinegar. U. S. v. 16 Barrels of Liquid Purporting To Be Pure Cider Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 24172. I. S. No. 08102. S. No. 2402.)**

On October 23, 1929, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the district aforesaid, holding a District Court, a libel praying seizure and condemnation of 16 barrels of vinegar at Washington, D. C., alleging that the article had been offered for sale in the District of Columbia by the Washington Supply Market, Washington, D. C., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Shenandoah Maid 4% Pure Cider Vinegar \* \* \* Manufactured by Shenandoah Apple Products Corporation Strasburg, Va."

It was alleged in the libel that the article was adulterated in that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted wholly or in part for pure cider vinegar which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Pure Cider Vinegar," borne on the label, was false and misleading in that the said statement represented that the article was pure cider vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead

the purchaser into the belief that it was pure cider vinegar, whereas it was not, but was a product composed in part of water. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, pure cider vinegar.

On November 12, 1929, the Shenandoah Apple Products Corporation, Strasburg, Va., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$200, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16969. Misbranding of imitation pear extract and imitation tutti frutti extract. U. S. v. 1 Barrel of Imitation Pear Extract, et al. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23870, 23871. S. Nos. 1489, 1490.)**

On or about December 28, 1928, the United States attorney for the Northern District of Texas, filed in the District Court of the United States for said district libels praying seizure and condemnation of 3 barrels of imitation pear extract and 1 barrel of imitation tutti frutti extract, remaining in the original unbroken packages at Dallas, Tex., alleging that the articles had been shipped by the Interstate Drug Co., from New York, N. Y., in part on or about August 8, 1926, and in part on or about August 28, 1926, and transported from the State of New York into the State of Texas, and charging misbranding in violation of the food and drugs act.

It was alleged in the libels that the articles were misbranded in that they were labeled and branded, "Imitation tutti frutti flavoring extract," "Imitation pear flavoring extract," and "Imitation pear extract," so as to deceive and mislead the purchaser, that is to say, they were so labeled and branded as to lead the purchaser to believe that they were extracts having the flavor of pear or of tutti frutti, as the case might be, and were suitable for use in imparting said flavors to articles of food, whereas they were entirely deficient in the flavoring elements necessary to impart said flavors, and were entirely without value as flavoring extracts.

On May 6, 1929, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16970. Adulteration and misbranding of cheese. U. S. v. 17 Boxes of Cheese. Decree of condemnation entered. Product released under bond. (F. & D. No. 23559. I. S. Nos. 01320, 01321. S. No. 1806.)**

On March 26, 1929, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 17 boxes of cheese, 3 boxes of which were labeled, "Twin," and 14 boxes of which were labeled, "Twin Daisies," remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by J. F. Steinwand, from Colby, Wis., February 27, 1929, and transported from the State of Wisconsin into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cheese) "Full Cream Cheese J. F. Steinwand, Colby, Wisconsin."

It was alleged in the libel that the article was adulterated in that excessive moisture had been mixed and packed with it and substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Full Cream Cheese" was false and misleading and deceived and misled the purchaser.

On April 16, 1929, the Gamble-Robinson Co., Minneapolis, Minn., having appeared as claimant for the property, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of except to a grinder of cheese, to be ground under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*